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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,916	11/18/2003	Greg Christopher JR.	07844-602001-P555	6410
21876 7590 05/13/2009 FISH & RICHARDSON P.C. P.O. Box 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER CHEN, QING	
			ART UNIT 2191	PAPER NUMBER
			NOTIFICATION DATE 05/13/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/716,916	CHRISTOPHER, GREG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Qing Chen	2191	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on August 18, 2008.
2. ☒ The allowed claim(s) is/are 1,5-10,14-23,25 and 28-32, renumbered as 1-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date ____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date ____.</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other ____.</li> </ol> |
|---|---|

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### **DETAILED ACTION**

1. This Office action is in response to the amendment filed on August 18, 2008.
2. **Claims 1, 5-10, 14-23, 25, and 28-32** are pending.
3. **Claims 1, 10, 14-16, 18, 19, and 25** have been amended.
4. **Claims 2-4, 11-13, 24, 26, and 27** have been canceled.
5. **Claims 1, 5-10, 14-23, 25, and 28-32** are allowed, renumbered as 1-23.
6. The 35 U.S.C. § 112, second paragraph, rejections of Claims 3 and 27 are withdrawn in view of Applicant's cancellation of the claims.

### ***Examiner's Amendment***

7. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with William E. Hunter (Reg. No. 47,671) on April 10, 2009.

The application has been amended as follows:

### **AMENDMENTS TO THE CLAIMS**

Please cancel Claims 2, 12, and 26 and amend Claims 1, 10, 14-16, 18, 19, and 25 as follows:

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1. (Currently Amended) A machine-implemented method comprising:

obtaining an install comparison of a current software installation to a target computer and an install comparison of a previous software installation to the same target computer in a series of two or more software installations during a software product development;

generating a software trend comparison of a current software installation, to a target computer, with a previous software installation, to the same target computer, in a series of two or more software installations during a software product development of the current software installation install comparison with the previous software installation install comparison;

obtaining creating expected installation data results for a resource, based at least in part on the comparison, the resource including attributes including a dynamic attribute and a static attribute, the dynamic attribute is an attribute that should have changed between the previous software installation and the current software installation, the static attribute is an attribute that should remain unchanged between the previous software installation and the current software installation;

comparing identifying from the expected installation data results with the software trend comparison to identify whether the dynamic attribute that was not changed in the current software installation and whether the static attribute was changed in the current software installation; and

presenting potential problems with the current software installation, based on results of the identified dynamic attribute comparing the expected installation results with the software trend comparison, to facilitate verification of an installer for the software product development.

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2. (Canceled)

10. (Currently Amended) A software product tangibly embodied in a machine-readable storage device, the software product comprising instructions operable to cause one or more data processing apparatus to perform operations comprising:

obtaining an install comparison of a current software installation to a target computer and an install comparison of a previous software installation to the same target computer in a series of two or more software installations during a software product development;

generating a software trend comparison ~~of a current software installation, to a target computer, with a previous software installation, to the same target computer, in a series of two or more software installations during a software product development~~ of the current software installation install comparison with the previous software installation install comparison;

obtaining creating expected installation data results for a resource, ~~based at least in part on the comparison, the resource~~ including attributes including a dynamic attribute and a static attribute, the dynamic attribute is an attribute that should have changed between the previous software installation and the current software installation, the static attribute is an attribute that should remain unchanged between the previous software installation and the current software installation;

comparing identifying from the expected installation data results with the software trend comparison to identify whether the dynamic attribute ~~that~~ was not changed in the current

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software installation and whether the static attribute was changed in the current software installation; and

presenting potential problems with the current software installation, based on results of the ~~identified dynamic attribute~~ comparing the expected installation results with the software trend comparison, to facilitate verification of an installer for the software product development.

12. (Canceled)

14. (Currently Amended) The software product of claim ~~[[12]]~~10, wherein the operations further comprise tracking expectations of resource changes in a primary installation baseline and a secondary installation baseline, and wherein presenting the potential problems comprises presenting a baseline-update interface by transmitting markup language data.

15. (Currently Amended) The software product of claim ~~[[12]]~~10, wherein the operations further comprise excluding a set of resources from the generated comparison for the software product development.

16. (Currently Amended) The software product of claim ~~[[12]]~~10, wherein expectations of resource changes are stored in a relational database indexed by date, platform, language, and product configuration.

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18. (Currently Amended) The software product of claim ~~[[12]]~~10, wherein the resource comprises a file and a system registry, and the installation data comprises deletion, addition, and modification of the resource.

19. (Currently Amended) A system comprising:

a build controller;

an install controller comprising a database including a baseline recording expectations of a dynamic attribute and a static attribute for one or more resources associated with a software installer, the dynamic attribute is an attribute that should have changed between a previous software installation and a current software installation, the static attribute is an attribute that should remain unchanged between the previous software installation and the current software installation; and

one or more install slave machines;

wherein the build controller automatically triggers the install controller to initiate installer tests as part of a software build process, and the install controller automatically dispatches installation to the one or more install slave machines and collects test results to be presented in a report comprising a baseline-update interface;

wherein the test results comprise a potential problem with the current software installation identified based on a comparison of the expectations with a software trend comparison that compares an install comparison of the current software installation with an install comparison of the previous software installation in a series of two or more software installations during a software product development to identify whether the dynamic attribute

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was not changed in the current software installation and whether the static attribute was changed in the current software installation.

25. (Currently Amended) A system comprising:

a user interface device; and

one or more computers operable to interact with the user interface device and to perform operations comprising:

obtaining an install comparison of a current software installation to a target computer and an install comparison of a previous software installation to the same target computer in a series of two or more software installations during a software product development;

generating a software trend comparison ~~of a current software installation, to a target computer, with a previous software installation, to the same target computer, in a series of two or more software installations during a software product development~~ of the current software installation install comparison with the previous software installation install comparison;

obtaining creating expected installation data results for a resource, ~~based at least in part on the comparison, the resource~~ including attributes including a dynamic attribute and a static attribute, the dynamic attribute is an attribute that should have changed between the previous software installation and the current software installation, the static attribute is an attribute that should remain unchanged between the previous software installation and the current software installation;

comparing identifying from the expected installation data results with the software trend comparison to identify whether the dynamic attribute ~~that~~ was not changed in the current



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software installation and whether the static attribute was changed in the current software installation; and

presenting potential problems with the current software installation, based on results of the identified dynamic attribute comparing the expected installation results with the software trend comparison, to facilitate verification of an installer for the software product development.

26. (Canceled)

-- END OF AMENDMENT --

***Reasons for Allowance***

8. The following is an Examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations, "generating a software trend comparison of the current software installation install comparison with the previous software installation install comparison; obtaining expected installation results for a resource including attributes including a dynamic attribute and a static attribute, the dynamic attribute is an attribute that should have changed between the previous software installation and the current software installation, the static attribute is an attribute that should remain unchanged between the previous software installation and the current software installation; comparing the expected installation results with the software trend comparison to identify whether the dynamic attribute was not changed in the current software installation and whether the static attribute was changed in the current software

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installation” as recited in independent Claims 1, 10, and 25; and further fail to teach, in combination with the other claimed limitations, “an install controller comprising a database including a baseline recording expectations of a dynamic attribute and a static attribute for one or more resources associated with a software installer, the dynamic attribute is an attribute that should have changed between a previous software installation and a current software installation, the static attribute is an attribute that should remain unchanged between the previous software installation and the current software installation” and “wherein the test results comprise a potential problem with the current software installation identified based on a comparison of the expectations with a software trend comparison that compares an install comparison of the current software installation with an install comparison of the previous software installation in a series of two or more software installations during a software product development to identify whether the dynamic attribute was not changed in the current software installation and whether the static attribute was changed in the current software installation” as recited in independent Claim 19.

The closest cited prior art, the combination of US 6,738,970 (hereinafter “Kruger”) and US 6,560,776 (hereinafter “Breggin”), teaches a method and an apparatus that identifies changes made to a computer system caused by the installation of software. However, the combination of Kruger and Breggin fails to teach “generating a software trend comparison of the current software installation install comparison with the previous software installation install comparison; obtaining expected installation results for a resource including attributes including a dynamic attribute and a static attribute, the dynamic attribute is an attribute that should have changed between the previous software installation and the current software installation, the static attribute is an attribute that should remain unchanged between the previous software

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installation and the current software installation; comparing the expected installation results with the software trend comparison to identify whether the dynamic attribute was not changed in the current software installation and whether the static attribute was changed in the current software installation” as recited in independent Claims 1, 10, and 25; and further fails to teach “an install controller comprising a database including a baseline recording expectations of a dynamic attribute and a static attribute for one or more resources associated with a software installer, the dynamic attribute is an attribute that should have changed between a previous software installation and a current software installation, the static attribute is an attribute that should remain unchanged between the previous software installation and the current software installation” and “wherein the test results comprise a potential problem with the current software installation identified based on a comparison of the expectations with a software trend comparison that compares an install comparison of the current software installation with an install comparison of the previous software installation in a series of two or more software installations during a software product development to identify whether the dynamic attribute was not changed in the current software installation and whether the static attribute was changed in the current software installation” as recited in independent Claim 19.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Qing Chen whose telephone number is (571) 270-1071. The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 4:00 PM. The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wei Zhen, can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Q. C./

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Examiner, Art Unit 2191

/Wei Y Zhen/

Supervisory Patent Examiner, Art Unit 2191